REMARKS

Claim Status

After entry of this Amendment, Claims 1 – 17, 19 and 20 are pending. By this Amendment, Claims 1 and 2 are amended, and Claims 18, 21 and 22 are cancelled. No new matter has been added.

Claim Rejections – 35 U.S.C. § 112

The Examiner rejects Claims 18, 21 and 22 under 35 U.S.C. § 112, 2nd paragraph, asserting that these claims lack proper antecedent basis for the pre-sorting step. By this Amendment, Claims 18, 21 and 22 are cancelled. The instant rejection is, therefore, believed to be moot.

Claim Rejections – 35 U.S.C. § 102

The Examiner rejects Claims 1, 4, 7, 10, 13, 16 and 17 under 35 U.S.C. § 102(b) as being anticipated by De Leo (U.S. Patent No. 6,107,588). Hence, the Examiner asserts that De Leo discloses each and every limitation of these claims. Applicants respectfully traverse.

Without conceding that the Examiner's assertions are justified over De Leo, but to expedite examination and allowance of the present application, Applicants amend Claim 1, as set forth in the above listing of claims. More particularly, amended Claim 1 defines the step of pre-sorting the sortation items according to the specifiable destination route. Claim 2 is amended to delete the pre-sorting step.

Hence, amended Claim 1 includes limitations of Claim 2, which the Examiner does not reject under 35 U.S.C. § 102(b) over De Leo. As to the pre-sorting step, the Examiner finds that De Leo does not expressly teach a pre-sorting of sortation items. For at least this reason, Applicants respectfully submit that De Leo does not disclose or suggest each and every limitation of amended Claim 1. Accordingly, De Leo does not anticipate amended Claim 1. Applicants respectfully request the Examiner to reconsider the rejections under 35 U.S.C. § 102(b) and to pass amended Claim 1 to allowance.

Claims 2– 17, 19 and 20 depend from amended Claim 1. Accordingly, Applicants respectfully request the Examiner to reconsider and to withdraw the instant rejections under 35 U.S.C. § 102(b) and to pass Claims 2 – 17, 19 and 20 to allowance.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejects Claims 2, 3, 5, 6, 8, 9, 11, 12, 14, 15 and 18 – 22 under 35 U.S.C. § 103(a) as being unpatentable over De Leo in view of what is well known in the art. In this regard, the Examiner takes Official Notice that using pre-sorting for mail sorting items is well known in the sorting arts. The Examiner asserts that De Leo specifically teaches the pre-sorting step, and advises that reliance on a well-known, but outdated process step is not a solid basis for patentability. Applicants respectfully traverse.

Applicants appreciate the Examiner's comments regarding pre-sorting mail items, but respectfully submit that the patentability of a claim is determined by the totality of all claim limitations. As discussed hereinafter, De Leo fails to disclose or suggest all limitations of amended Claim 1 to render amended Claim 1 obvious.

The method according to amended Claim 1 differs substantially from De Leo's method, even though both methods sort mail items according to a sequence of delivery along a destination route. De Leo's stated objective is to provide a postal sorting method that does not necessitate discrimination in a preliminary working phase. (Col. 1, lines 64 – 67.) Accordingly, De Leo teaches a method that operates with mail streams, which have not been subjected to any previous sorting to divide them between the available inputs. (Col. 6, lines 43 – 49.) In contrast, the method according to amended Claim 1 pre-sorts the sortation items according to a specifiable destination route. That is, the sortation items are pre-sorted to the extent that only the sortation items intended for that destination route are fed into the sorting conveyor. (Cf. page 5, lines 13 – 17, of the present specification.)

In addition to the fact that De Leo's method does not use any previous sorting, De Leo does not teach particulars as to the plurality of N outputs U. (Fig. 1a, col. 2, lines 59 – 64.) Conversely, amended Claim 1 specifies, as to the first sorting cycle, that the

number of consecutive sorting compartments corresponds to the largest number of destination positions located within one of the destination sub-sections, and, as to the second sorting cycle, that a number of sorting compartments corresponding to a number of destination sub-sections.

Referring to the preamble of Claim 1, the destination route has a number of destination route sections each subdivided into a number of destination sub-sections, wherein the destination sub-sections have a number of consecutive destination positions. Assuming, by way of example, that there are four destination sub-sections and one of these sub-sections includes 10 destination positions (largest number), whereas the others include less than 10 destination positions, then, according to Claim 1:

> in the first sorting cycle, there are 10 consecutive sorting compartments corresponding to the largest number (10) of destination positions located within one of the destination sub-sections, and
>
> in the second sorting cycle, the number of sorting compartments (4) corresponds to the number of destination sub-sections (4).

De Leo does not provide any disclosure or suggestion as to the relationship between the number of consecutive sorting compartments and the number of destination positions in the first sorting cycle, or the relationship between the number of sorting compartments and a number of destination sub-sections in the second sorting cycle.

Further, De Leo provides no suggestion or motivation for pre-sorting the sortation items. In fact, De Leo teaches away from pre-sorting.

In view of the foregoing, Applicants respectfully submit that De Leo, alone or in view of what is well known in the art, fails to disclose or suggest the subject matter of amended Claim 1. Applicants respectfully submit that amended Claim 1 is patentable over De Leo, and respectfully request the Examiner to reconsider the rejections under 35 U.S.C. § 103(a) and to pass amended Claim 1 to allowance.

Claims 2– 17, 19 and 20 depend from amended Claim 1. These dependent claims recite additional inventive features that are in combination with the features of the respective independent claim not disclosed or suggested by De Leo. The above arguments regarding amended Claim 1 are repeated herewith. Each dependent claim is,

therefore, on its own patentable. Accordingly, Applicants respectfully request the Examiner to reconsider and to withdraw the instant rejection under 35 U.S.C. § 103(a) and to pass Claims 2 – 17, 19 and 20 to allowance.

CONCLUSION

The present response is intended to correspond with the Revised Amendment Format. Should any part of the present response not be in full compliance with the requirements of the Revised Amendment Format, the Examiner is asked to contact the undersigned for immediate correction.

For the above reasons, Applicants respectfully submit that the application is in condition for allowance, and such allowance is herewith respectfully requested. No new matter has been added.

Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to **Deposit Account No. 502464** referencing attorney docket number **2001P07649WOUS.** However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

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